



# Administrative Memorandum

Nebraska Supreme Court  
State Court Administrator  
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**DT: August/September 2004**

**RE: Administrative Memorandum 04-005**

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- Inbody Begins Term as Chief Judge
- Interpreter Introductory Workshops
- Supreme Court Committee on Pro Se Litigation
- Update on Judges' Retirement Provisions
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- Interstate Commission for Adult Offender Supervision
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- Change to Protection Order Form
- Judicial District Visits
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- Filing & Reporting Requirements
- Upcoming Meetings & Training Opportunities

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Administrative Memoranda available at [www.nebraskacourt.com](http://www.nebraskacourt.com) under "Court Administrator's Office" on the main page, left hand menu.

## ◆ SERVICE AWARD NOMINATIONS OPEN

In addition to this year's Distinguished Service Awards for judges, the Chief Justice will be adding Distinguished Service Awards for Employees. These new awards pay tribute to individuals and groups who have made outstanding contributions to the courts or to the probation system by improving public trust and confidence in the judicial system.

Nominations for both the employee and judge awards can be made by judges, court staff, lawyers and the public. Nominations are kept anonymous although nominators and nominees will be acknowledged through a letter.

All recipients and guests will be invited to attend the annual dinner at the fall judges meeting on October 21, 2004, at the Omaha Hilton. To nominate a judge or employee, complete the form on-line <http://court.nol.org/community/awards.htm> and mail it back to the administrator's office or send free-form information to Janet Bancroft via email ([jhammer@nsc.state.ne.us](mailto:jhammer@nsc.state.ne.us)) or fax (402-471-3071).

## ◆ INBODY BEGINS TERM AS CHIEF JUDGE OF THE NEBRASKA COURT OF APPEALS

Judge Everett O. Inbody begins his term as Chief Judge for the Nebraska Court of Appeals on September 13, 2004. Judge Inbody succeeds Judge John Irwin who served as Chief Judge 1997 – September 12, 2004.

The position of Chief Judge for the Court of Appeals has been statutorily specified to be for two years although there is no limit on the number of terms that a judge can serve. Prior Chief Judges include now Supreme Court Justice Miller-Lerman and the first Chief Judge, Honorable Richard Sievers.

## ◆ INTERPRETER INTRODUCTORY WORKSHOPS

The Nebraska Supreme Court has successfully presented two training sessions for court interpreters entitled Introduction Workshop to Court Interpreting under the direction of Associate Administrator Ken Wade. The workshops were offered to all language court interpreters who have either been interpreting in our Nebraska court system or who have an interest in becoming a court interpreter. The two-day workshops were held, first in Omaha, August 20, 2004, and August 21, 2004, at the Nebraska Cooperative Extension in Douglas/Sarpy county and second, August 27, 2004, and August 28, 2004, in Grand Island at College Park. Thirty-six interpreters attended the Omaha session and twenty-eight attended the Grand Island session. Languages represented at the workshops were Spanish, Vietnamese, Russian, Arabic, Kurdish, Laotian, Cantonese, Mandarin, Korean, Nuer, Dinka, and French.

The workshops were conducted by one of our first Nebraska Certified Spanish Court Interpreters, Janet Bonet from Omaha, Nebraska, who was assisted by her husband Jamie Bonet. The sessions provided an opportunity for the interpreters to improve their language proficiency and to practice techniques they can use to develop their skills as a professional court interpreter.

Interpreter certification testing begins September 25, 2004, with a qualifying written exam being held in Omaha and Lexington. The applicant must successfully pass the written exam in order to take the oral certification exam.

## ◆ SUPREME COURT COMMITTEE ON PRO SE LITIGATION

On June 11, 2001, the Supreme Court's Committee on Pro Se Litigation was created. The charge of that Committee was to undertake a study of pro se litigation issues and to make recommendations to the Supreme Court as to how concerns involving pro se litigation can best be addressed.

The Committee's report to the Supreme Court made several recommendations. **Recommendation 1** was the development of a staff manual in a "frequently asked and answered" format to assist court staff in working with pro se litigants. That manual has been completed. If you have not received a copy of the manual, you will be receiving one shortly.

**Recommendation 2** proposed that the Committee develop standard pleading forms and instructions for use by pro se litigants seeking a divorce involving no children, alimony, or property of consequence, and that these forms and instructions be placed on the Court's web site and distributed to the district courts. The Committee, which included members of the district court bench, county court bench, clerks of the district court, and the legal community, devoted a great deal of time in the preparation of these pleading forms and instructions.

On July 14, 2004, the Supreme Court accepted Recommendation 2 from its Committee, and granted the Committee authority to place the pleading forms and instructions it had developed on the Supreme Court's web page in a downloadable fashion, as well as distributing hard copies to the clerks of the district court.

Copies of the forms will be mailed within the next few days to clerks of the district court. The Supreme Court's web page and the forms can be accessed as of October 1 by going to the Supreme Court's web site at [www.nebraskacourt.com](http://www.nebraskacourt.com) and clicking on "Self Help."

These forms and instructions, together with the court staff manual of frequently asked questions, were prepared with the intent of providing court staff with better resources and answers in responding to increasing pro se litigation. If you have any questions, please contact Janice Walker at 402-471-2764.

## ◆ UPDATE ON JUDGES' RETIREMENT PROVISIONS

As a result of a request from Anna Sullivan, Executive Director of the Nebraska Public Employees Retirement System, the Attorney General's Office released Neb. A.G. Op. No. 04023 on August 18, 2004, relating to the judges' retirement provisions of LB 1097 from 2004. Specifically, the Attorney General was asked for an opinion as to the operative date for the new contribution rate of eight percent (8%) for judges who elect to make the increased contribution amounts under the provisions of LB 1097 in exchange for the spousal benefits provided for under that bill. The opinion concludes that the date such increased contributions would commence is July 1, 2004, for any judges who choose this option.

Neither the Supreme Court nor the Court Administrator's Office was aware that this opinion had been sought by the Retirement Office.

A copy of Neb. A.G. Op. No. 04023 can be found at the Attorney General's web site at <http://www.ago.state.ne.us> (under Site Index on left side of home page, go to "Search AG Opinions;" A.G. Op. No 04023 is the first August 2004 opinion highlighted in blue on that web page).

## ◆ STATE VS. MCARTHUR

The Nebraska Court of Appeals in a DUI case, State vs. McArthur, A-03-505, ruled on July 20, 2004, that the State of Nebraska must file a docket fee in appeals pursuant to §§ 29-824 to 29-826. These sections permit the State to appeal from an order granting a motion for the return of seized property or to suppress evidence. Clerks of the District Court **should** collect Supreme Court docket fees of \$66.50 from the county attorney in these cases and Clerk Magistrates should collect district court docket fees of \$48.50.

## ◆ YOUTH TREATMENT PROGRAM AT HASTINGS REGIONAL CENTER EXPANDED

Gov. Johanns announced that the Juvenile Chemical Dependency Program at the Hastings Regional Center (HRC) will be expanded as part of the redesign of the center.

The program serves youth with a high need for chemical dependency treatment. The youth are referred by the Youth Rehabilitation and Treatment Center (YRTC) in Kearney.

The Health and Human Services System (HHSS) will expand the program from 28 to 40 beds and add up to 12 staff members.

The estimated cost of the expansion is \$400,000 – \$500,000, funded by the HHSS Office of Juvenile Services. The program has been in operation since 1998.

## ◆ INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION (ICAOS)

Judges should be aware that the regulations of the Interstate Compact have changed as of August 1. The three (3) main areas of concern are in eligibility, travel prior to acceptance in the receiving state, and bail. At this point, the decision and/or permission to relocate an offender is vested with the probation or parole authorities, not judges.

A full length article will be included in the summer edition of the “Judicial News”, coming out in early September. The complete edition of the new regulations of the Interstate Commission for Adult Offender Supervision is available at the national commission’s website, [www.adultcompact.org](http://www.adultcompact.org). If you have other questions concerning the interstate compact or its rules and procedures, please feel free to contact Deputy Interstate Compact Administrator, Judy Riddle at 402-471-2141.

## ◆ WORK ETHIC CAMP DEMOGRAPHICS

*Statistics as of May 31, 2004*

Grand Total Admissions, April 30, 2001 – May 31, 2004 .....	687
Total Admissions for Calendar Year 2004 (January 1, 2004 – May 31, 2004).....	113
Total Current Count in the Program as of May 31, 2004 .....	107
Total Completed Successfully Since 2001.....	470
Total Removed from the Program Since 2001.....	110

### Counties Sending Offenders and How Many Sent

Douglas .....	148	Cass.....	9	Butler.....	4
Lancaster.....	68	Custer .....	9	Burt .....	4
Hall .....	49	Richardson.....	9	Furnas.....	4
Sarpy .....	30	Johnson .....	8	Hamilton.....	4
Adams .....	28	Box Butte .....	7	Holt.....	4
Dodge.....	25	Cheyenne .....	7	Howard.....	4
Red Willow .....	24	Saline .....	7	Nance .....	4
Gage.....	22	Washington.....	7	Dawes .....	3
Dakota .....	18	Fillmore .....	6	Franklin .....	3
Scotts Bluff .....	18	Jefferson .....	6	Nuckolls .....	3
Buffalo .....	17	Nemaha .....	6	Colfax.....	2
Madison.....	14	Otoe .....	6	Cuming.....	2
Saunders.....	14	Sheridan .....	6	Greeley .....	2
Phelps .....	11	Clay.....	5	Hitchcock .....	2
Dawson .....	10	Merrick.....	5	Keith.....	2
Lincoln.....	10	Morrill.....	5	Pierce.....	2
		Platte.....	5	Thayer.....	2

1 from each as follows: Antelope, Boone, Cedar, Cherry, Dixon, Dundy, Garden, Gosper, Grant,

## Offenses

Theft or Burglary Offenses.....	309
Drug Offenses .....	257
Forgery/UL use of UL use of Trans.	
Device/Issuing a Bad Check.....	45
Other – Criminal Mischief, Terroristic	
Threats, Escape, Etc. ....	76

## Gender

Total Males.....	598
Total Females .....	89

## Age

Age Range .....	16 – 48 years
Average Age .....	21 years

## Race

Caucasian .....	529
African American .....	87
Hispanic.....	48
Native American.....	13
Asian Amrican .....	6
Other .....	4

## Substance Abuse

Total Offenders Treated .....	628
Percentage Treated for Substance Abuse.....	91%

## Programming

Each offender attends an average of **225** hours of programming class time (cognitive behavior, job preparation skills, life skills, problem solving and parenting classes) during a minimum 120-day stay at the Work Ethic Camp. Offenders who need Substance Abuse treatment and/or ABE/GED will spend more time in classes or groups.

## Education

Total Needing ABE/GED Upon Admission .....	343
Lowest Education Level .....	7 <sup>th</sup> Grade
Highest Education Level .....	College Junior
Total Who Have Received GED while at WEC.....	123

## Road Crew Hours

Grand Total, April 30, 2001 – May 31, 2004.....	112,560
Total Hours, January 1, 2004 – May 31, 2004.....	21,618
Total Hours, Calendar Year 2003 .....	44,051

## ◆ CHANGE TO PROTECTION ORDER FORM

New Protection Order forms have been distributed to all judges and clerks. The change resulted from LB613, passed last legislative session. The legislature wanted to add "dating relationships" to the Domestic Abuse Protection Order; only the Petition needed to be amended. Use the copies sent as your "originals" or print off additional copies <http://court.nol.org/rules/forms/19-8.pdf>. While you are on the internet, try out the new "Self Help" section linked from the home page so you can see the instructions to completing the form(s).

## ◆ JUDICIAL DISTRICT VISITS

Visits have been made and meetings have been held in district 1, as well as districts 6 through 12. District 5 is scheduled for the end of September. Plans are moving forward for visits to the metropolitan areas. Photos and itineraries are on-line on the Judicial Branch Web Site ( [www.nebraskacourt.com](http://www.nebraskacourt.com)).

## ◆ CASELOAD STATISTICS

### District Court Case Filings

#### Total Filings by Year

1995	35,330	2000	37,915
1996	35,261	2001	39,201
1997	36,709	2002	40,796
1998	38,117	2003	41,038
1999	38,330	<b>2004</b>	<b>*21,517</b>

**\* First Half, January 1 – June 30, 2004**

#### 2004 First Half Filings by District

Judicial District	Criminal	Regular Civil	Domestic Relations	Appellate Action	Totals
1	106	174	622	35	937
2	518	248	936	67	1,769
3	520	596	1,647	114	2,877
4	1,446	1,247	4,622	209	7,524
5	252	255	787	48	1,342
6	169	209	631	31	1,040
7	188	123	479	25	815
8	64	118	274	17	473
9	245	195	710	44	1,194
10	167	154	486	45	852
11	301	310	700	17	1,328
12	226	265	811	64	1,366
<b>Total</b>	<b>4,202</b>	<b>3,894</b>	<b>12,705</b>	<b>716</b>	<b>21,517</b>

## County Court Case Filings

### Total Filings by Year

1995 434,282  
 1996 396,708  
 1997 374,079  
 1998 376,285  
 1999 383,930  
 2000 390,654  
 2001 385,995  
 2002 412,651  
 2003 408,829  
**2004 \*195,612**

**\* First Half, January 1 – June 30, 2004**

### 2004 First Half Filings by District

Judicial District	Misd/Ord Traffic	Misd/Ord Non-Traffic	Felony	Civil	Small Claims	Probate/ Inher Tax	Guard Cons	Adoption	Juvenile	Totals
1	3,986	1,798	174	1,292	154	202	35	27	227	7,895
2	10,937	4,996	649	1,959	182	176	79	37	139	19,154
3	11,896	10,913	874	5,032	431	335	123	67	0	29,671
4	12,643	17,207	1,934	10,546	972	600	365	118	0	44,385
5	6,813	3,414	366	2,212	293	312	72	29	571	14,082
6	6,144	3,292	380	1,752	264	243	43	22	311	12,451
7	4,692	2,595	222	920	200	210	41	10	224	9,114
8	3,428	1,584	105	949	242	163	37	18	134	6,660
9	4,611	3,640	398	3,195	253	142	60	28	304	12,631
10	4,002	1,947	236	1,653	199	210	69	29	345	8,690
11	10,354	3,711	506	2,269	417	235	79	30	567	18,168
12	6,258	3,477	376	1,478	343	204	71	25	479	12,711
<b>Total</b>	<b>85,764</b>	<b>58,574</b>	<b>6,220</b>	<b>33,257</b>	<b>3,950</b>	<b>3,032</b>	<b>1,074</b>	<b>440</b>	<b>3,301</b>	<b>195,612</b>

### **Cases Referred From District Court, January 1 – June 30, 2004**

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Marriage Dissolution	0	24	1	0	0	31	0	1	0	0	0	0
Support/ Custody	0	0	0	0	0	2	0	0	0	1	0	0
Paternity	0	2	0	0	4	1	0	0	0	0	0	0
URESAs	0	0	0	0	0	0	0	0	0	0	0	1
Protection Orders	141	94	230	0	78	169	21	37	116	10	0	104
Misc.	0	0	0	0	2	0	0	0	0	0	0	0
<b>Totals</b>	<b>141</b>	<b>120</b>	<b>231</b>	<b>0</b>	<b>84</b>	<b>203</b>	<b>21</b>	<b>38</b>	<b>116</b>	<b>11</b>	<b>0</b>	<b>105</b>

## ◆ FILING AND REPORTING REQUIREMENTS

Statement for Payment of Interpreters: Interpreter to submit between the 1<sup>st</sup> and 7<sup>th</sup> day of each month.

Judges' Cases Under Advisement Reports: Due by the 5<sup>th</sup> day of each month (reports are compiled and submitted to the Supreme Court).

Court Reporter Timesheets: Due by the 5<sup>th</sup> day of each month (judges are to sign time sheets prior to submission).

Permanently Assigned Vehicle Logs: Due by the 5<sup>th</sup> day of each month.

Report of Probate Cases Pending: Due by the 10<sup>th</sup> day of each month.

Court Caseload Monthly Statistic Reports: Due by the 10<sup>th</sup> day of each month.

County Court Time Sheets: Due by the 10<sup>th</sup> day of each month.

Stenographer Transcription Reports: Due by the 10<sup>th</sup> day of each month.

Cash Drawer Short/Long Transactions (County Court only): Due by the 10<sup>th</sup> day of each month.

Expense Vouchers: Submit on a monthly basis (rather than combining several months of expenses on one voucher)

## ◆ UPCOMING MEETINGS AND TRAINING OPPORTUNITIES

### Judicial Branch Education Calendar

- **Clerk Magistrates Annual Meeting**, September 8 – 10, Grand Island, Midtown Holiday Inn
- **Fall Judges Meeting in conjunction with the NSBA Annual Meeting**, October 20 – 22, Omaha, Hilton Hotel / Qwest Center

*Contact Marcie Brush, Administrative Secretary, at 402-471-2249, for registration information.*

### Fall/Winter JUSTICE Training Opportunities

- District Court, September 14 – 16, North Platte
- County Court, October 18 – 22, Lincoln
- County Court, November 8 – 10, North Platte
- District Court, November 16 – 18, Lincoln/North Platte

*Contact Marcie Brush, Administrative Secretary, at 402-471-2249, for a registration packet.*